

REMARKS

This Amendment is responsive to the Office Action dated December 27, 2004. Claims 1-12 were pending in the application. In a telephone conference with Examiner Ho, Claims 7 and 9-12 were withdrawn from consideration as being drawn towards non-elected subject matter. In the Office Action, claims 1-6 and 8 were rejected. In this Amendment, Claims 1-6 were amended. Claims 1-6 and 8 thus remain for consideration.

Applicant submits that claims 1-6 and 8 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Election

As discussed in a telephone conference on December 15, 2004, Applicant elects to prosecute claims 1-6 and 8 with traverse.

§ 103 Rejection

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Moldenhauer (US Patent Number 1,936,604) in view of Pappert (US Patent Number 1,778,726).

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Moldenhauer (US Patent Number 1,936,604) in view of Pappert (US Patent Number 1,778,726), and further in view of case law.

Claims 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Moldenhauer (US Patent Number 1,936,604) in view of Pappert (US Patent Number 1,778,726), and further in view of Baum (US Patent Number 5,916,271).

Applicant submits that the independent claim (Claim 1) is patentable over Moldenhauer, Pappert, and Baum – taken either alone or in combination.

Applicant's invention as recited in the independent claims is directed toward a ring. For example, independent claim 1 specifies that the ring comprises a first band portion, a second band portion having a solid inner surface and a plurality of openings cast in said first band portion. Claim 1 further specifies that the "openings are clearly defined by the solid inner surface of the second band portion." Supporting disclosure for

Applicant's ring can be found throughout the specification. (See, e.g., Page 6, line 22 to page 7, line 19).

Moldenhauer, Pappert, and Baum do not disclose a ring comprising a first band portion, a second band portion having a solid inner surface and a plurality of openings cast in said first band portion whereby the openings are clearly defined by the solid inner surface of the second band portion.

Examiner admits that Moldenhauer does not disclose a plurality of openings extending from the inner surface to the outer surface. To remedy this deficiency Examiner relies upon Pappert. Examiner states, "Pappert discloses a ring having two band portions, similar to that of Moldenhauer. In addition, Pappert further teaches that the first band 10 has engravings, or equivalently, piecing. (P.1, Ln. 38-48)." Pappert, however, does not disclose two band portions. Pappert discloses a single band portion that is enclosed with a nitro-cellulose composition covering. This covering preserves the surface of the band from injury and corrosion. (Pappert, Page 2, lines 62 to 68). Pappert does not disclose a ring having two band portions.

Since Moldenhauer, Pappert, and Baum do not disclose a ring comprising a first band portion, a second band portion having a solid inner surface and a plurality of openings cast in said first band portion whereby the openings are clearly defined by the solid inner surface of the second band portion, Applicant believes that independent claim 1 is patentable over Moldenhauer, Pappert, and Baum -- taken either alone or in combination -- on at least this basis.

Claims 2-6 and 8 depend on claim 1. Since claim 1 is believed to be patentable over Moldenhauer, Pappert, and Baum, claims 2-6 and 8 are believed to be patentable over Moldenhauer, Pappert, and Baum on the basis of their dependency on claim 1.

CONCLUSION

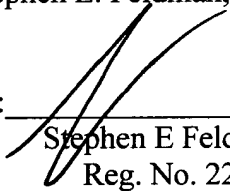
Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Respectfully submitted,
Stephen E. Feldman, P.C.

By: _____


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